

REMARKS

This amendment, responsive to the Office Action dated May 21, 2003, cancels claims 1-24 and 33-38 without prejudice, and amends claims 25, 27, 28, and 29 to further clarify the claimed inventions. New claims 40-64 have been added to further define the claimed inventions. In addition, the specification and figures have been amended to correct certain informalities objected to by the Examiner. Reexamination and reconsideration are respectfully requested.

Informalities

The Examiner objected to Figure 1 of the drawings because it did not include a reference 100 mentioned in the description. Figure 1 has been amended to include reference 100.

The Examiner objected to Figure 6 of the drawings as including reference numbers 137 and 153 that are not mentioned in the description. Figure 6 has been amended to remove these reference numbers.

The Examiner objected to the specification because of a typographical error in which the number 14 on page 4 should be replaced with number 13. The specification has been amended to make this change.

The Examiner objected to claim 31 because "the word server on line 3 should be changed to the word served." Applicant does not understand this objection, since the word "server" does not appear on line 3 of claim 31.

Independent Claim 25

Claim 25 stands rejected as anticipated by Spaur, U.S. Patent No. 6,196,920. Applicant respectfully submits that Spaur neither teaches nor suggests claim 25 as amended.

As amended, claim 25 recites system that comprises a server communicatively coupled to a client device and configured to communicate content to the client device for display to a user, wherein the content includes information relating to an interactive activity and information relating to an advertisement. The server is able to receive, in a single transmission, information relating both to the user's participation in the interactive activity and to a request from the user to receive additional information relating to the advertisement. Advantageously, this enables the user's request to be transmitted to the server during the normal course of the user's interaction

with the interactive activity, rather than as a separate step that might interfere with the user's participation in the interactive activity. Similarly, the server is able to respond to the single transmission both by providing the user with additional information relating to the advertising and communicating content to the client relating to the interactive activity. None of this is taught or suggested by Spaur.

Spaur discloses a system for online game playing with advertising. In the preferred embodiment of Spaur, advertising is displayed on a client machine "immediately upon detection of [a] game finishing function." (e.g., col. 3, lines 15-17). Thus, the advertising is displayed after a game has completed, not during a user's participation in an interactive process. The advertising is displayed for a "pre-determined time interval," during which, "each player through the respective client machine does not have control over the removal or termination of the particular advertisement then being displayed, except for a player's usual options, such as exiting the program or turning off the client machine. During this predetermined time interval, the player can elect to receive information related to the advertisement by 'clicking on' or otherwise selecting the advertisement." (e.g., col. 3, lines 35-52). Thus, during the time that the advertising is displayed, the user is prevented from re-engaging in the interactive process. Although the user may request additional information related to the advertising (e.g., col. 14, lines 11-17), the user may not participate in the interactive process (i.e., the online game) during the period when the user is given the option of receiving the additional information. (e.g., col. 14, lines. 22-53). It is only "once [the] options for obtaining further information related to the advertisement have been completed," that the user is given the option of playing another game (e.g., col. 14, 43-47).

In an alternative embodiment, "one or more continuous advertisements can be provided to each of the client machines ... while [a] multi-player solitaire card game is being played using these client machines." (e.g., col. 15, lines 13-17). Such advertising may be displayed, e.g. as a banner advertisement, or as part of an element of the game, e.g. on the back of a playing card. (e.g., col. 15, lines 20-64). However, in this embodiment, there is no capability of the user requesting additional information relating to the advertising during the process of playing the

game. This is not surprising, since in this embodiment, many of the advertisement appear as part of game pieces and selecting such pieces would be considered a game move by the player rather than a request for additional information. Such a selection process would also interfere with the player's participation in the game.

Thus Spaur teaches with respect to the preferred embodiment, providing an advertisement to a user after the completion of a game, at which time the user is precluded from playing the game but may request further information about the advertising. Thus, this embodiment teaches away from the claimed invention, since it specifically teaches separating the user's request for additional information from any opportunity for the user to participate in the interactive activity.

In the alternative embodiment, the advertising is provided to the user during the game as a banner ad, or on the backs of game pieces such as playing card. However in this embodiment, there is no teaching or suggestion to permit the user to request additional information related to the advertising, and certainly nothing to suggest transmitting in a single transmission information relating both to the user's participation in the interactive activity and to a request from the user to receive additional information relating to the advertisement, or to suggest responding to such a transmission both by providing the user with additional information relating to the advertising and communicating content to the client relating to the interactive activity.

Claims 26-32

Claims 26-32 all depend, directly or indirectly, from claim 25, and are thus patentable for at least the reasons discussed in connection with claim 25.

Claims 39, 48 and 62

New claims 39, 48 and 62 have been added to further define the disclosed inventions. These claims recite, respectively, a method and a corresponding software product and system for performing the method. The method includes displaying a user interface on a display permitting a user to participate in an interactive activity, during the display of the user interface, displaying advertising information on the same display without interfering with the user's ability to participate in the interactive activity, during the display of the user interface, receiving from the user a first signal indicating an interest in receiving additional information related to the

advertising information, and causing said additional information related to the advertising information to be provided to the user in response to the first signal, without interfering with the user's ability to participate in the interactive activity.

These claims are patentable over Spaur because Spaur does not teach or suggest permitting a user to request additional information relating to an advertisement during display of a user interface permitting the user to participate in an interactive activity, nor causing such information to be provided to the user without interfering with the user's ability to participate in the interactive activity. To the contrary, as discussed above, Spaur teaches away from this concept. Spaur teaches either allowing the user to request additional information when the interactive activity is not in progress, or displaying advertising during an interactive process but providing no mechanism for the user to request additional information.

Claims 40-47 and 49-56

Claims 40-47 and 49-56 depend from claims 39 and 48 respectively, and are patentable for at least the reasons stated above.

Claim 57

Claim 57 also patentably distinguishes over Spaur. Claim 57 recites providing a user interface that permits a user to participate in an interactive activity, and during the user's interaction with the user interface, permitting the user to signal interest in receiving advertising information without interfering with the user's participation in the interactive activity.

By contrast, Spaur explicitly teaches interfering with a user's participation in the interactive activity while permitting the user to signal interest in receiving advertising information. Thus Spaur teaches away from claim 57.

Claims 58-59

Claims 58-59 depend from claim 57, and are patentable for at least the reasons stated above.

Claim 60

Claim 60 also patentably distinguishes over Spaur. Claim 60 recites displaying information about an interactive activity to a user on a display associated with a client computer,

receiving at the client computer a request for advertising information and information related to the user's participation in the interactive activity, and simultaneously transmitting to a server the user's request for advertising information and the information related to the user's participation in the interactive activity.

As discussed above, Spaur teaches permitting a user to request advertising information only after the termination of an online game, not during an online game. Thus Spaur neither teaches nor suggests simultaneously transmitting to a server a user's request for advertising information and information related to the user's participation in an interactive activity.

Claim 61

Claim 61 depends from claim 60, and is patentable for at least the reasons stated above.

Claim 63

Claim 63 also patentably distinguishes over Spaur. Claim 63 recites providing a user interface that permits a user to participate in an interactive activity having a beginning and an end, the user interface being capable of receiving user inputs relating to the interactive activity; and after the beginning and prior to the end of the interactive activity, permitting the user to signal interest in receiving advertising information without disabling the ability of the user interface to receive user inputs relating to the interactive activity.

At discussed above, Spaur neither teaches nor suggests this combination. Spaur does not teach permitting a user to signal interest in receiving advertising information without disabling the ability of the user interface to receive user inputs relating to the interactive activity.

Claim 64

Claim 64 also patentably distinguishes over Spaur. Claim 64 recites in response to an input received from a user playing a game through a game interface, automatically transmitting an electronic message while the user is playing the game, the electronic message being accessible after the user has completed playing the game.

Applicant : Mark Herrmann et al.
Serial No. : 09/599,675
Filed : June 22, 2000
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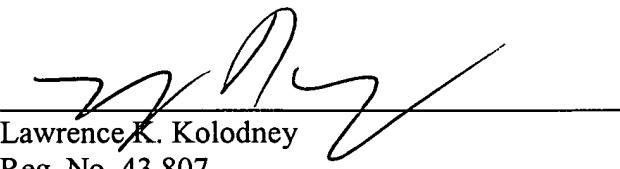
Attorney's Docket No.: 10984-287001

Spaur neither teaches nor suggests claim 64. As noted above, Spaur teaches transmitting an email message to the user containing information relating to an advertising message, but only after the user has completed playing a game. Thus Spaur neither teaches nor suggests transmitting such a message to a user during the game.

Enclosed is a check in the amount of \$234.00 for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 6/6/03


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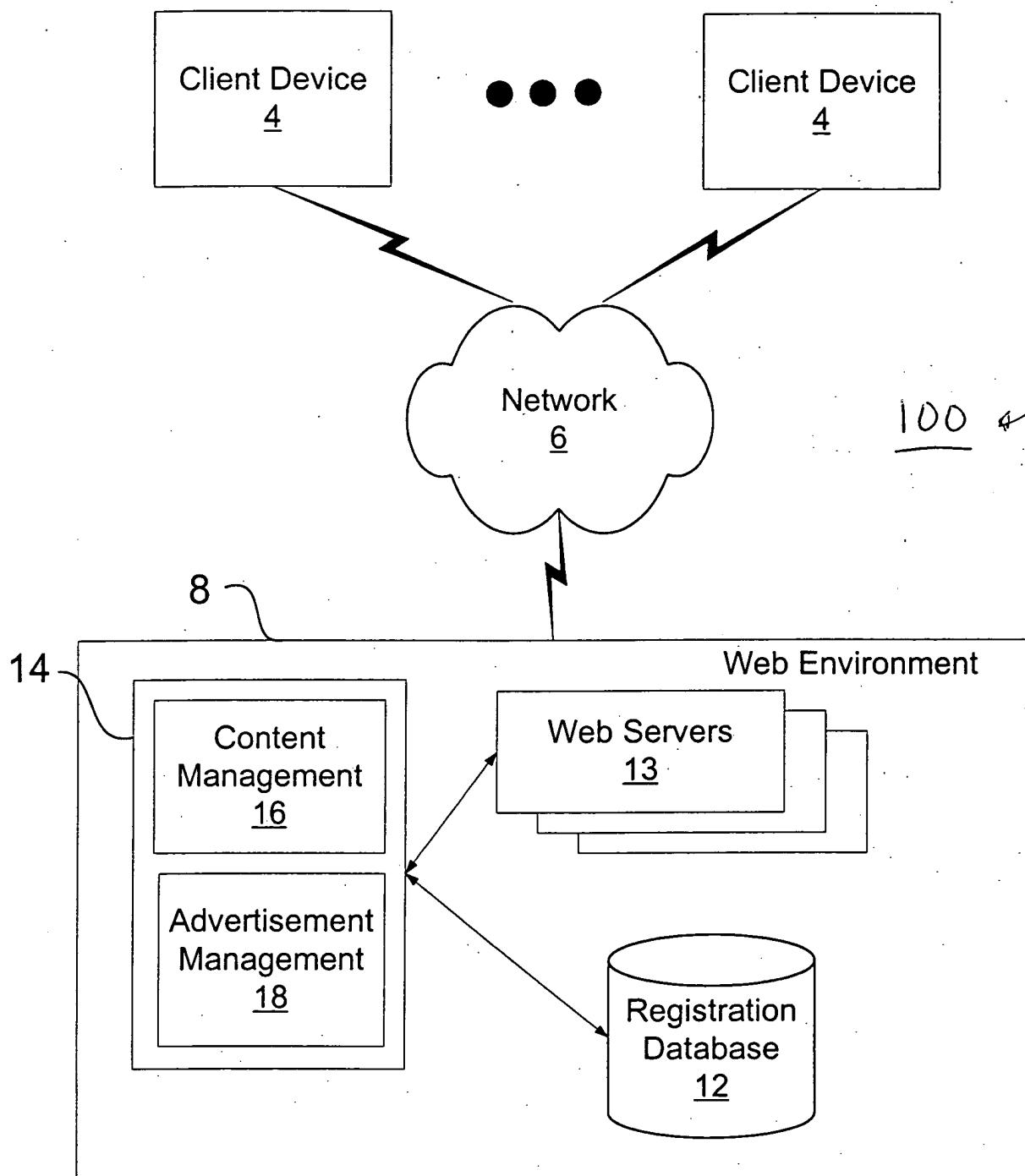


FIG. 1

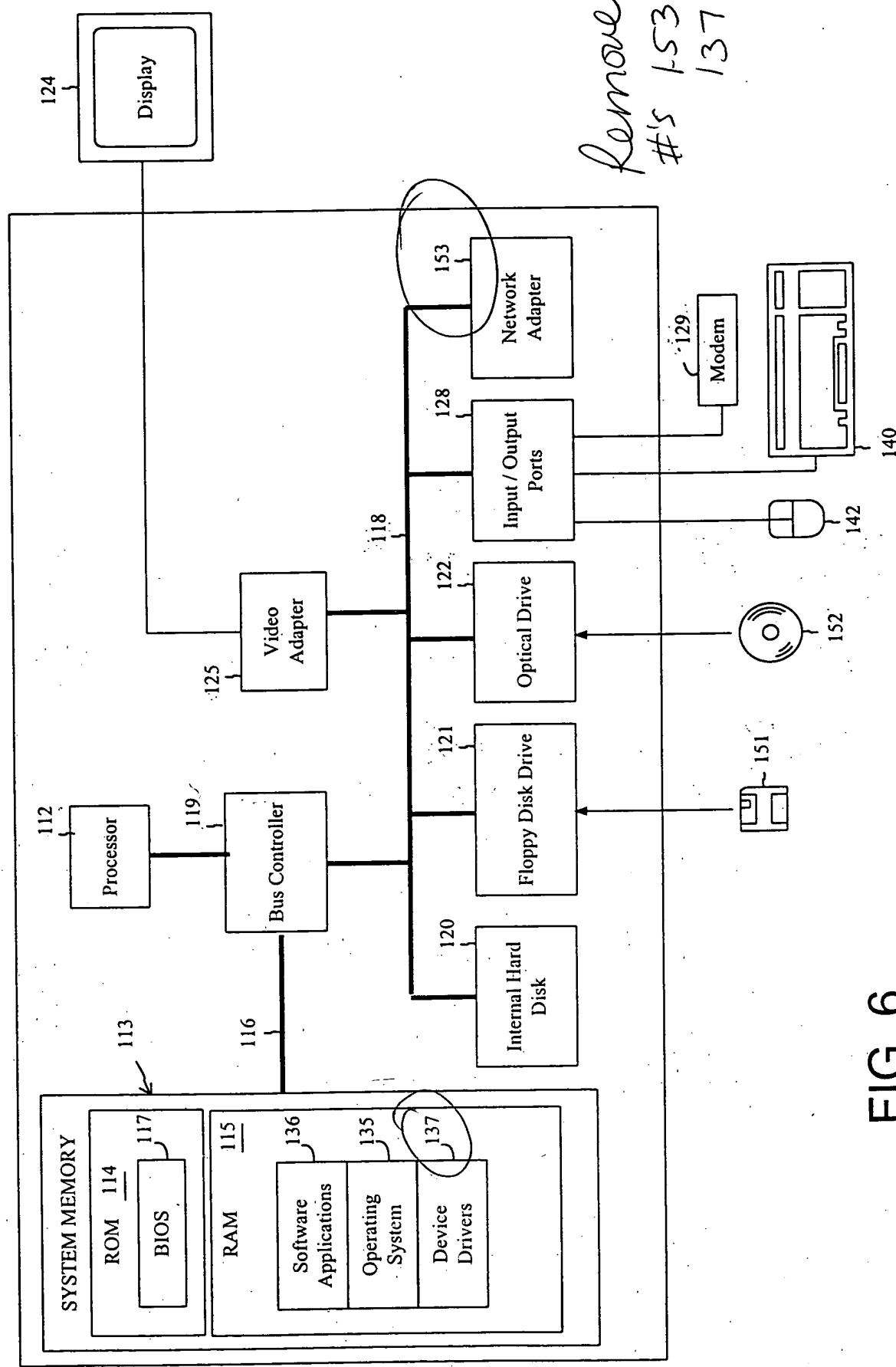


FIG. 6